

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff,

vs.

STEVE PONCE, *et al.*,

Defendants.

No. 2:04-cv-02377-JKS-EFB

ORDER

Review of the record in this case reveals that on August 16, 2006, Plaintiff filed an amended complaint with leave of court (Docket No. 27). On April 26, 2007, Defendants Teer and Ponce were ordered to file a responsive pleading within 20 days (Docket No. 30). To date no responsive pleading has been filed and Plaintiff has not requested entry of default. On May 15, 2007, Defendants moved for an order staying this action (Docket No. 33), which motion was denied as moot on March 24, 2008 (Docket No. 42). No further action has occurred in this case since that date.

NOW, THEREFORE IT IS ORDERED THAT, unless Defendants Teer and Ponce file a responsive pleading by **March 6, 2009**, Plaintiff must file a request for entry of default under Federal Rule of Civil Procedure 55(a) not later than **March 27, 2009**, or this matter will be dismissed, without prejudice, for failure to prosecute. Fed. R. Civ. P. 41(b).

Dated: February 4, 2009

/s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge